

EXHIBIT 2

CONFIDENTIAL - ATTORNEYS EYES ONLY

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SONOS, INC.,
4 Plaintiff,
5 vs. Case No. 3:21-CV-07559-WHA
6 GOOGLE LLC
7 Defendant.

8 -AND-

9
10 GOOGLE LLC,
11 Plaintiff,
12 vs. Case No. 3:20-CV-06754-WHA
13 SONOS, INC.,
14 Defendant.

15 **CONFIDENTIAL - ATTORNEYS' EYES ONLY**

16 ZOOM DEPOSITION OF JAMES E. MALACKOWSKI
17 (Reported Remotely via Video & Web Videoconference)
18 Miami, Florida (Deponent's location)
19 Monday, January 30, 2022

20 Volume 1

21 STENOGRAPHICALLY REPORTED BY:
22 REBECCA L. ROMANO, RPR, CSR, CCR
23 California CSR No. 12546
24 Nevada CCR No. 827
25 Oregon CSR No. 20-0466
Washington CCR No. 3491
JOB NO. 5686085
PAGES 1 - 297

Page 1

1 products? 03:16:48

2 A. I think that's generally the same
3 question but with different descriptors. And yes,
4 there are other components in the players that are
5 not covered specifically by the '885, as I 03:16:58
6 understand it.

7 Q. Would you agree that the accused grouping
8 functionality is not the primary or main component
9 of the accused Google media content players?

10 A. Yes. 03:17:12

11 Q. Do you -- is it your opinion that the
12 accused '885 functionality drives demand for
13 accused Google media content players?

14 A. In part, but not sufficient to determine
15 a lost profits calculation. 03:17:31

16 Q. So you believe that consumers are buying,
17 for example, the Nest Wi-Fi Point because of the
18 accused grouping functionality?

19 A. I believe that one of the reasons is the
20 feature set that would include that, and that is, 03:17:49
21 in part, why that feature set is promoted by
22 Google. I don't believe that it's sufficient basis
23 for demand for lost profits or to invoke the entire
24 market rule, for example, and expand greatly the
25 royalty base. 03:18:06

1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

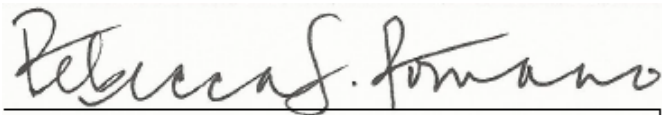
4 That the foregoing proceedings were taken
5 before me remotely at the time and place herein set
6 forth; that any deponents in the foregoing
7 proceedings, prior to testifying, were administered
8 an oath; that a record of the proceedings was made
9 by me using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: February 2, 2023

22
23 
24

Rebecca L. Romano, RPR, CCR

25 CSR. No 12546